

treat the offender as fit to be punished. But how can any one be intentionally more unreasonable than he ought to be ? Whence comes the decision, if the scales are loaded with good and bad motives ? So the origin is not error or blindness, not an internal or external constraint? (It should furthermore be remembered that every so-called "external constraint " is nothing more than the internal constraint of fear and pain.) Whence ? is the repeated question. So reason is not to be the cause of action, because reason cannot decide against the better motives? Thus we call " free will" to our aid. Absolute discretion is to decide, and a moment is to intervene when no motive exercises an influence, when the deed is done as a miracle, resulting from nothing. This assumed discretion is punished in a case where no discretion should rule. Reason, which knows law, prohibition, and command, should have left no choice, they say, and should have acted as a constraint and a higher power. Hence the offender is punished because he makes use of " free will"—in other words, has acted without motive where he should have been guided by motives. But why did he do it ? This question must not even be asked; the deed was done without a "Why?" without motive, without origin, being a thing purposeless, unreasoned.—However, according to the above-named preliminary condition of punishability, such a deed should not be punished at all! Moreover, even this reason for punishing should not hold good, that in this case something had *not* been done, had been omitted, that reason had not been used at all: for at any rate the omission was unin-